THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.11494 of 1997

Dated: 07.03.2007

Between:

M/s.Mohammad Javid and Company,
Fruit Market, Gaddiannaram, Hyderabad,
Rep. by its Proprietor – M.A.Sattar,
S/o.Sri Haji Mohd. Abdul Khader and 9 others.

... PETITIONERS

AND

1. The Director of Marketing,
   Andhra Pradesh at Hyderabad
   and three others.

...RESPONDENTS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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ORDER:

The fruit market in the city of Hyderabad was being operated by the Hyderabad Agricultural Market Committee at Mozamzahi Market area for several decades. In the year 1986, the Market Committee acquired Acs.22.00 of land at Gaddiannaram and shifted the fruit market. About 100 semi permanent shops and two big platforms were constructed. The allotment of the shops was undertaken, in accordance with the norms framed by the Market Committee.

The petitioners are traders and were granted licence under Section 7(1) of the Andhra Pradesh Agricultural (Produce and Livestock) Markets Act, 1966, by the Hyderabad Agricultural Market Committee. They were not allotted any shops. According to them, they approached the Person-in-charge of the Market Committee and he, in turn, had allotted open space in the market area at a corner in the year 1991-92. Their grievance is that the respondents have demolished their sheds in 1997, without any notice and without initiating any proceedings. Hence, they seek appropriate directions in this regard. The petitioners made reference to certain correspondence that ensued between the Person-in-charge and the Director of Marketing.

On behalf of respondents 1 to 3, a counter-affidavit is filed denying the allegations of the petitioners. It is stated that allotment of shops was undertaken strictly in accordance with the norms and procedure and that when the petitioners were not allotted any shops,

the question of permitting them to occupy any area, does not arise.

The fourth respondent filed a counter-affidavit stating that the petitioners were not allottees of any shops and that their occupation of space is unauthorized. It is also stated that all unauthorized occupations in the market yard were removed, after making a public announcement and that the petitioners do not have any vested right to continue in the market yard.

The root cause for the present round of litigation is the unauthorized allotment of open space to the petitioners by the then Person-in-charge. Admittedly, there was heavy demand and severe competition for allotment of shops in the market yard. The shops were constructed according to a plan and they were allotted according to the procedure prescribed by the concerned authorities. No norms were prescribed for allotment of open spaces. Still, the Person-in-charge has shown favoritism to the petitioners by allotting open spaces. The basis on which he has picked up the petitioners in this process, is far from evident, but not difficult to discern.

The allotment of open space, may be unauthorized, has naturally enabled the petitioners to make necessary arrangements to undertake their business. No written deed was executed and it is not known as to whether any rent was being collected. Be that as it may, the petitioners ought to have been put on notice before they were evicted. In case the Market Committee intends to allot any open space, it shall have to formulate the norms for allotment thereof, and till such allotment is undertaken, the petitioners cannot be disturbed. On the other hand, if the Market Committee takes a decision not to allot any open space, the petitioners must be given reasonable time to vacate the space occupied by them.

For the foregoing reasons, the writ petition is disposed of

directing that

(i) In case the Market Committee decides to allot open space in the fruit market yard, it shall formulate the said norms and in such event, the case of the petitioners shall also be considered along with other eligible candidates.

(ii) If, on the other hand, it is decided that open space be not allotted to any licencee, the petitioners shall be given the time of not less than two months to vacate the premises and such action shall not be selective.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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L. NARASIMHA REDDY, J

Date: 07.03.2007
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